

REMARKS

Claims 1, 4-9, 12-17, 19-25, 27-29, and 31-41 are currently pending in the Application.
No claims are currently amended. No new matter has been added.

Applicants first wish to thank the Examiner for granting the telephonic discussion on Jan. 08, 2008 to clarify the Examiner's interpretation of the prior art reference(s) and of some of the claimed limitations.

Applicants further respectfully submit the response to the office communication pursuant to the requirements of MPEP 713.04 as follows.

(A) Brief description of the nature of any exhibit shown or any demonstration conducted:

This item is not applicable as no exhibits were shown and no demonstration was conducted during the telephonic interview.

(B) Identification of claims discussed

The examiner and the undersigned discussed at least claims 1 and 17 during the telephonic interview.

(C) Identification of specific prior art discussed

The examiner and the undersigned discussed U.S. Patent No. 6,430,619 issued to Sitaraman et al. during the telephonic interview.

(D) Identification of the principal proposed amendments of a substantive nature discussed

The examiner and the undersigned discussed some of the amendments for claims 1 and 17. The proposed amendments were subsequently filed in a formal written response to August 09, 2007 office action.

(E) The general thrust of the principal arguments of the Applicants and the examiner

Applicants argued that the prior art of record relied upon by the office action in forming the basis for rejection does not disclose at least the claimed limitation of “wherein the first resource plan and the second resource plan are adapted in order to allow one or more third resource consumer of a third group to start a new activity by respectively preventing the first resource consumer from starting a new activity and by allowing zero or more second resource consumer to continue an already-running activity”. After Applicants presented the arguments, the examiner agreed that Sitaraman may not have disclosed at least the above claimed limitations and indicated that independent claim 1 together with the independent computer program product claim and system claims as presented for the telephonic discussion overcame the current prior art of record.

(F) General indication of any other pertinent matters discussed

The examiner and the undersigned also discussed and clarified the basis for 35 U.S.C. § 101 rejection for independent system claims.

(G) General results or outcome of the interview

The examiner indicated that the currently pending independent claims may have overcome the prior art of record but may conduct another search to find new prior art reference(s).

(H) This item is not applicable as the interview was conducted between the examiner and the undersigned via telephonic discussion on Jan. 08, 2008.

CONCLUSION

If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

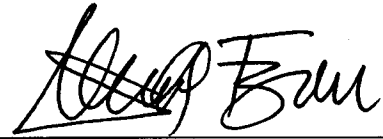
To the extent that any arguments and disclaimers were presented to distinguish prior art, or for other reasons substantially related to patentability, during the prosecution of any and all parent and related application(s)/patent(s), Applicant(s) hereby explicitly retracts and rescinds any and all such arguments and disclaimers, and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number 7010984002. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number 7010984002.

Respectfully submitted,

Dated: February 25, 2008

By: _____



Erich C. Tzou
Reg. No. 56,927

Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, California 94111
Telephone: (650) 849-4962
Facsimile: (650) 849-4800